

**STATE OF MICHIGAN  
IN THE 4<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF JACKSON**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

PETE MUSICO,  
JOSEPH MORRISON, and  
PAUL BELLAR,

Defendants.

File Nos.     20-3173-FH,  
                  20-3172-FH, &  
                  20-3171-FH

Hon. Thomas D. Wilson

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Sunita Doddamani (P67459)  
Michigan Department of Attorney General  
Attorneys for Plaintiff

Eric L. VanDussen  
Intervenor in Pro Per  
For VanDussen Productions

Kareem Johnson (P71988)  
Attorney for Pete Musico

Nicholas Somberg (P80416)  
Attorney for Joseph Morrison

Andrew Kirkpatrick (P66842)  
Attorney for Paul Bellar

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**EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S  
SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST  
FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS**

**BRIEF IN SUPPORT & PROOF OF SERVICE**

**ORAL ARGUMENT REQUESTED**

Eric L. VanDussen, Intervenor in pro per on behalf of VanDussen Productions,  
respectfully requests this Honorable Court to reconsider its September 20, 2022, Order  
prohibiting film and electronic media coverage of the trial scheduled to commence in the above-  
captioned cases on October 3, 2022. In support of this motion, VanDussen Productions states:

1. On September 12, 2022, VanDussen Productions filed three Requests and Notices for Film and Electronic Media Coverage of Court Proceeding forms regarding the above captioned cases, which sought to record and broadcast courtroom proceedings in these cases using video, audio and photographic media on “Oct. 3, 2022 - Oct. 31, 2022 / end of trial.”

[EXHIBITS 1a, 1b & 1c]

2. On September 20, 2022, this Court entered an Order, which indicates:

WHEREAS, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings, for each file herein.

**IT IS SO ORDERED, that the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube. [EXHIBIT 2] [emphasis added]**

3. The Michigan Judiciary's website directs that “Administrative Orders are entered by the Michigan Supreme Court and are meant to guide trial courts on administrative matters. ...” (See: <https://www.courts.michigan.gov/rules-administrative-orders-and-jury-instructions/proposed-adopted/administrative-orders/> - last accessed on 09/21/2022)

4. Michigan Supreme Court Administrative Order No. 1989-1, [as amended by order of December 5, 2012, effective January 1, 2013] regulates “Film or Electronic Media Coverage of Court Proceedings.”

5. AO No. 1989-1 mandates, in pertinent part, that:

**The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:**

[...]

2. Limitations.

(a) In the trial courts.

(i) **Film or electronic media coverage shall be allowed upon request in all court proceedings.** Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(ii) **A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses.**

(iii) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(iv) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

[...]

4. Equipment and Personnel. Unless the judge orders otherwise, the following rules apply:

**(a) Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom.**

[...]

(d) Media agency representatives shall make their own pooling arrangements without calling upon the court to mediate any dispute relating to those arrangements. In the absence of media agency agreement on procedures, personnel, and equipment, the judge shall not permit the use of film or electronic media coverage.

6. Location of Equipment and Personnel.

**(a) Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge.** Audio and video tape recording and amplification equipment which is not a component of a camera or microphone shall be located in a designated area remote from the courtroom.

[...]

**(d) Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration.**  
[emphasis added]

6. On July 30, 2009, MLive news reported that:

Legal proceedings before the Michigan Supreme Court are going online. Video of oral arguments, administrative conferences and hearings are to be recorded at the Hall of Justice, then posted on the State Bar of Michigan's Web site, according to a news release from the court.

The first videos, including a welcome by Chief Justice Marilyn Kelly, have been posted at [www.michbar.org/courts/virtualcourt.cfm](http://www.michbar.org/courts/virtualcourt.cfm).

"While our hearings and administrative conferences are in public, not everyone can make the trip to Lansing to attend," Kelly said in the release. "In a digital age, the public increasingly expects not only physical access but also virtual access to government.

"With this expansion of the court's online presence, viewers will need only an Internet connection to watch the court at work."

Michigan Government Television will continue to broadcast Supreme Court proceedings, which it has done since 1996. MGTV's broadcast schedule is available at [www.mgtv.org](http://www.mgtv.org).

(See: [https://www.mlive.com/news/kalamazoo/2009/07/video\\_of\\_michigan\\_supreme\\_cour.html](https://www.mlive.com/news/kalamazoo/2009/07/video_of_michigan_supreme_cour.html) – last accessed on 09/21/2022)

7. Intervenor has, on multiple occasions, been granted permission by Michigan's Supreme Court to film their proceedings, despite the fact that those same proceedings were simultaneously being filmed, streamed and broadcasted by MGTV and others. See:

People v Kolanek - MI Medical Marijuana Appeal - January 12, 2012 - <https://vimeo.com/35062545>;

People v Bylsma - MI Supreme Court Medical Marijuana Oral Arguments - October 11, 2012 - <https://vimeo.com/51460012>;

People v McQueen - MI Supreme Court Medical Marijuana Oral Arguments - October 11, 2012: <https://vimeo.com/51442426>; &

Ter Beek v Wyoming - MI Supreme Court oral arguments - October 10, 2013: <https://vimeo.com/79968136> (last accessed on 09/21/2022)

8. MCR 2.119(F)(3) states that:

Generally, and without restricting the discretion of the court, a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

9. In *Luckow v. Luckow*, 291 Mich. App. 417, 426; 805 N.W.2d 453 (2011),

Michigan's Court of Appeals held that:

A party bringing a motion for reconsideration must establish that (1) the trial court made a palpable error and (2) a different disposition would result from correction of the error. MCR 2.119(F)(3); *Herald Co., Inc. v. Tax Tribunal*, 258 Mich. App. 78, 82, 669 N.W.2d 862 (2003). "Palpable" is defined as "[e]asily perceptible, plain, obvious, readily visible, noticeable, patent, distinct, manifest." *Stamp v. Mill Street Inn*, 152 Mich. App. 290, 294, 393 N.W.2d 614 (1986), quoting Black's Law Dictionary (5th ed.), p. 1000.

10. This Court palpably erred by violating its clear legal duty, under AO 1989-1, when it failed to articulate, on the record, any justifiable reason to deny VanDussen Production's request to film the momentous trial of Pete Musico, Joseph Morrison and Paul Bellar.

11. This Court arbitrarily and capriciously abused its discretion by denying

VanDussen Production's request to film the trial at issue here because this Court failed to abide by the Michigan Supreme Court's mandate that "[f]ilm or electronic media coverage shall be allowed upon request in all court proceedings" and this Court failed to "articulate on the record" any specified "finding" of how or why this Court believes the "fair administration of justice requires such action." See: AO 1989-1(2)(a)(i)&(ii).

12. Expeditious and immediate consideration of this motion is absolutely necessary as the trial in these matters is scheduled to commence in approximately 10 days.

WHEREFORE, Intervenor VanDussen Productions respectfully request that this Honorable Court (a) expedite its consideration of this Motion and provide VanDussen Productions with the opportunity to be heard on the issues presented herein at the earliest practical time; and (b) enter an Order granting VanDussen Productions' three Requests and Notices for Film and Electronic Media Coverage of Court Proceeding regarding the trial scheduled to commence in the above captioned cases on October 3, 2022.

Respectfully submitted,

September 21, 2022

/s/ Eric L. VanDussen  
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///

\* \* \*

**BRIEF IN SUPPORT OF**  
**EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S**  
**SEPTEMBER 20, 2022 ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST**  
**FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS**

**I. INTRODUCTION**

Intervenor VanDussen Production is in the process of compiling high-quality video footage of court proceedings for a documentary regarding the conspiracy to kidnap Michigan Governor Gretchen Whitmer. Intervenor recognizes that the Court has important and competing duties both to ensure the parties' right to a fair trial and to preserve the public's and the media's right of access to criminal proceedings.

The three defendants in this case, Musico, Morrison and Bellar, are facing trial for allegedly providing material support for terrorist acts, gang membership, and use of a firearm while committing a felony.

On March 29, 2021, Michigan's Department of Attorney General issued a press release entitled "Members of Wolverine Watchmen to Stand Trial," which indicated:

LANSING - Three known members of the Wolverine Watchmen who are facing charges for allegedly participating in a plot to storm the state Capitol building and kidnap elected officials, will stand trial for their involvement, Attorney General Dana Nessel announced today.

"We must send a clear message that those who seek to do violence against our institutions of democracy and our elected representatives are not patriots, they are criminals," said Nessel. "My office is pleased to see this case move forward and to have the opportunity to hold these men accountable for their actions."

Joseph Morrison, Paul Bellar and Pete Musico appeared in court Monday for a preliminary exam before Judge Michael Klaeren of the 12th District

Court in Jackson County where they were bound over and will stand trial for their part in the alleged plot.

Morrison, 26, of Munith, was bound over on the following charges:

- Gang membership, a 20-year felony that may be served as a consecutive sentence;
- Providing material support for terrorist acts; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

Bellar, 21, of Milford, was bound over on the following charges:

- Providing material support for terrorist acts, a 20-year felony and/or \$20,000 fine;
- Gang membership, a 20-year felony, which may be served as a consecutive sentence; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

Musico, 42, of Munith, was bound over on the following charges:

- Gang membership, a 20-year felony that may be served as a consecutive sentence;
- Providing material support for terrorist acts, a 20-year felony and/or \$20,000 fine; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm - a two-year mandatory prison sentence to be served consecutively.

**Morrison, Bellar and Musico are three of several men arrested on domestic terrorism charges after a joint operation by state and federal authorities in early October exposed a plot that included targeting law enforcement officers, threatening violence to incite a civil war, planning an attack on the state Capitol building and kidnapping government officials, including Gov. Gretchen Whitmer. [...] (See: <https://www.michigan.gov/ag/news/press-releases/2021/03/29/members-of-wolverine-watchmen-to-stand-trial> - last accessed on 09/21/2022)**  
[emphasis added]



## II. STATEMENT OF GOOD CAUSE FOR EMERGENCY RELIEF

There is tremendous public interest in these judicial proceedings against those charged with being involved with a plot to kidnap Michigan Governor Gretchen Whitmer. As with any news story, time is of the essence. This Court's denial of VanDussen Productions' filming requests infringes upon their right to free speech, and it prevents complete and timely reporting to the public on these criminal proceedings. This Court's denial is also a continuing and irreparable injury to VanDussen Productions' constitutional rights to gather news for public dissemination. Indeed, the law is clear that any infringement on the media's First Amendment rights constitutes an intolerable and irreparable constitutional injury that should be remedied immediately. See, e.g., *Nebraska Press Ass'n v. Stuart*, 423 U.S. 1327, 1329 (1975) (holding that where there is a restraint on the media's ability to report the news, "each passing day may constitute a separate and cognizable infringement of the First Amendment"); *Paulsen v. County of Nassau*, 925 F.2d 65, 68 (2d Cir. 1991) ("[T]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.").

A prior restraint cannot be imposed upon the media unless there is a "clear and present danger" or "serious and imminent threat" to the parties' right to a fair trial. *U.S. v. Ford*, 830 F.2d 600 (6th Cir. 1987), *CBS Inc. v. Young*, 522 F.2d 238, 241 (6th Cir. 1975). The threat "must be specific, not general," and must be "much more than a possibility or a 'reasonable likelihood' in the future." *Ford*, 830 F.2d at 600. Indeed, there must be "substantial evidence to justify the conclusion that a clear and imminent danger to the fair administration of justice exist[s] because of publicity." *CBS, Inc.*, 522 F.2d at 240.

Because this Court's denial of VanDussen Productions' filming requests implicates the

this Intervenor's right to access and disseminate news of substantial public interest, there is good cause for the Court to review this Motion on an emergency basis.

VanDussen Productions therefore respectfully request that this Court hear this Motion at its earliest possible opportunity.

### III. LAW AND ARGUMENT

Intervenor VanDussen Productions is "Media" or [a] "media agency" [which is defined as] "any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, or other news reporting or news gathering agency." AO 1989-1(1)(b)

VanDussen Productions is a freelance journalist and videographer who has been researching and reporting on the conspiracy to kidnap Michigan Governor Gretchen Whitmer, since October of 2020.<sup>1</sup>

MCR 8.116(D) relates to "Access to Court Proceedings" and it mandates that:

**(1) Except as otherwise provided by statute or court rule, a court may not limit access by the public to a court proceeding unless**

**(a) a party has filed a written motion that identifies the specific interest to be protected, or the court sua sponte has identified a specific interest to be protected, and the court determines that the interest outweighs the right of access;**

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<sup>1</sup> (See: Lawmakers, police, governor warned in May about armed militia, threats – October 10, 2020: [https://www.record-eagle.com/news/local\\_news/lawmakers-police-governor-warned-in-may-about-armed-militia-threats/article\\_5fb79f72-0a62-11eb-91ca-cbaf8bb468f0.html](https://www.record-eagle.com/news/local_news/lawmakers-police-governor-warned-in-may-about-armed-militia-threats/article_5fb79f72-0a62-11eb-91ca-cbaf8bb468f0.html) & Who is Wolverine Watchmen Attorney Nicholas Somberg? – February 12, 2022: <https://medium.com/@ericvandussen/who-is-wolverine-watchmen-attorney-nicholas-somberg-49dc6383a5fc> (last accessed on 09/21/2022))

**(b) the denial of access is narrowly tailored to accommodate the interest to be protected, and there is no less restrictive means to adequately and effectively protect the interest; and**

**(c) the court states on the record the specific reasons for the decision to limit access to the proceeding. [emphasis added]**

In *Detroit Free Press v. Recorder's Court Judge*, unpublished MI COA Docket No.

148956 - Feb. 11, 1992, Michigan's Court of Appeals held, in pertinent part, that:

Generally, film coverage shall be allowed in all court proceedings.  
Administrative Order No.1989-1, section 2(a).

A judge may exclude film media coverage upon a finding, made and articulated on the record, that the fair administration of justice requires such action. AO 1989-1, section 2(b).

The trial court has failed to articulate any valid reason for exclusion on the record, or in the pleadings filed in this Court. Prior to rendering a decision the trial court should consider sections 5(b) and 5(b) of the Administrative Order 1989-1. **[EXHIBIT 3]**

In *Detroit Free Press v. Thirty Sixth Dist. Judge*, unpublished MI COA Docket No.

170071 - May 14, 1996, Michigan's Court of Appeals held, in pertinent part, that:

By its terms, all Michigan courts are subject to and bound by AO 1989-1. See, e.g., *Frederick v. Presque Isle Judge*, 439 Mich. 1, 9; 476 NW2d 142 (1991). Administrative orders are binding until changed or modified by the Supreme Court. *Detroit & Northern v. Woodworth*, 54 Mich.App 517, 520; 221 NW2d 190 (1974). The circuit court properly determined defendant's general and non-particularized policy of excluding photographic coverage violated his clear legal duty under AO 1989-1.4 The circuit court's initial order mandated compliance with AO 1989-1's requirement that denials of or limitations on timely requests for media coverage be articulated on the record, and precluded blanket exclusions of media coverage, in keeping with the AO's spirit that media coverage be allowed. **[EXHIBIT 4]**

In *VanDussen v. Court of Appeals*, 796 N.W.2d 255 (2011), Michigan's Supreme Court issued an Order on April 27, 2011, indicating:

On order of the Court, [Eric VanDussen's] motion for immediate consideration is GRANTED. The complaint for superintending control is considered and, in lieu of granting relief at this time, we REMAND this case to the Court of Appeals to articulate the reason why "the fair administration of justice" warrants the denial of the plaintiff's request to film oral argument on May 10, 2011. Administrative Order 1989-1(2)(b).

We retain jurisdiction. On remand, the Court of Appeals shall issue an order on or before May 2, 2011, and shall immediately file a copy of that order with the Clerk of the Supreme Court. **[EXHIBIT 5]**

On May 2, 2011, Michigan's Court of Appeals issued a responsive Order in the *VanDussen v. Court of Appeals* matter, and they held that:

On remand, we are directed to "articulate the reason why 'the fair administration of justice' warrants the denial of the plaintiffs request to film oral argument on May 10, 2011," in the case of *People v Anderson*, Court of Appeals Docket No. 300641. *VanDussen v Court of Appeals*, — Mich — (Docket No. 142950, issued April 27, 2011). We begin by noting that the remand order assumes that we denied the request pursuant to Administrative Order 1989-1(2)(b). Up to this point, however, we have not issued a written order in response to plaintiff's request. Rather, as has been the practice of the Court of Appeals, because no appeals either "by right or by leave" are permitted pursuant to Administrative Order 1989-1(2)(d), plaintiff was notified verbally by the Court's District Clerk that his application was denied. In any event, the application in this case was originally denied because we concluded that, based upon the minimal material submitted, plaintiff was neither the "media" nor a "media agency" as defined by Administrative Order 1989-1(1)(b).

However, since the issuance of the remand order we requested plaintiff to submit information relative to our concern, and he has submitted fairly voluminous material indicating that he is a free-lance journalist whose work has appeared in several general news publications and on some mainstream electronic media outlets. Based on this detailed information, we conclude that plaintiff meets the definition of "media" as he falls within the phrase "any person. . .engaging in news gathering," and so his request to record oral argument is GRANTED in accordance with the rules provided in Administrative Order 1989-1.

**[EXHIBIT 6]**

## CONCLUSION

Courts cannot simply override the binding mandates of AO 1989-1 just because they may utilize YouTube or Zoom services to stream some of their proceedings online.

Numerous courts in high profile cases -- such as O.J. Simpson's trial, Casey Anthony's trial, and Derek Chauvin's trial employed less restrictive, but constitutionally permitted measures to prevent any potentially negative impact on the fair administration of justice.

When media timely submits requests to film proceedings in Michigan courtrooms, AO 1989-1(2)(a)(i) dictates that "[f]ilm or electronic media coverage shall be allowed upon request in all court proceedings."

AO 1989-1(2)(a)(ii) provided that a "judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action ..."

"Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom." AO 1989-1(4)(a).

"Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge. [...] Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration." AO 1989-1(6)(a)&(d).

This Court's denial of VanDussen Productions' request to film the trial in this matter was not narrowly tailored to accommodate any interests to be protected, and there are much less restrictive means available to this Court to adequately and effectively protect those interests

WHEREFORE, Intervenor VanDussen Productions respectfully request that this Honorable Court (a) expedite its consideration of this Motion and provide VanDussen Productions with the opportunity to be heard on the issues presented herein at the earliest practical time; and (b) enter an Order granting VanDussen Productions' three Requests and Notices for Film and Electronic Media Coverage of Court Proceeding regarding the trial scheduled to commence in the above captioned cases on October 3, 2022.

Respectfully submitted,

September 21, 2022

/s/ Eric L. VanDussen  
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<http://vimeo.com/user1676477/videos>

\* \* \*

### **PROOF OF SERVICE**

Eric L. VanDussen attests that on this date he did serve a copy of this EMERGENCY MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 20, 2022, ORDER DENYING VANDUSSEN PRODUCTIONS REQUEST FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS, BRIEF IN SUPPORT & PROOF OF SERVICE upon all parties to these cases by email, at:

AG Sunita Doddamani (P67459)  
Doddamanis@michigan.gov

Nicholas Somberg (P80416)  
Nick@Somberglaw.com

Kareem Johnson (P71988)  
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Andrew P. Kirkpatrick (P66842)  
ap\_kirkpatrick@yahoo.com

September 21, 2022

/s/ Eric L. VanDussen

# EXHIBIT 1



Approved, SCAO

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 4TH Jackson County JUDICIAL CIRCUIT COUNTY PROBATE	<b>REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS</b>	<b>CASE NO.</b> 20003173 FH <i>66</i>
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Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)

☒ People of the State of Michigan  
☐

Attorney name, bar no., address, and telephone no. or plaintiff /petitioner  
address and telephone no. if not represented by an attorney

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Lansing, MI 48909

Defendant(s)/Respondent(s)

PETE MUSICO

Attorney name, bar no., address, and telephone no. or defendant/  
respondent address and telephone no. if not represented by an attorney

Kareem Johnson P71988  
505 South Jackson Street (517) 768-6883  
Jackson, MI 49203 Kjohnson@mijackson.org

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of \_\_\_\_\_

**REQUEST**

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial  
Time Date

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

**NOTICE TO PARTIES/ATTORNEYS**

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above  
☐ personally. ☐ by ordinary mail. ☒ by telephone.

Date

Court clerk/Register

FILED  
2022 SEP 12 PM 2:45  
JACKSON COUNTY  
4TH CIRCUIT COURT

(a)





Approved, SCAO

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	<b>REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS</b>	<b>CASE NO.</b> 20003172 FH <b>6C</b>
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Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)	
<input checked="" type="checkbox"/> People of the State of Michigan	
<input type="checkbox"/>	
Attorney name, bar no., address, and telephone no. or plaintiff /petitioner address and telephone no. if not represented by an attorney	
ATTY GEN. SUNITA DODDAMANI	P67459
525 W. Ottawa Street	(517) 335-7650
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Lansing, MI 48909	

Defendant(s)/Respondent(s)	
JOSEPH MATTHEW MORRISON	
Attorney name, bar no., address, and telephone no. or defendant/ respondent address and telephone no. if not represented by an attorney	
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31700 Telegraph Road, Ste 210	(248) 270-5979
Bingham Farms, MI 480205	Nick@Somberglaw.com

v

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of \_\_\_\_\_

**REQUEST**

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

FILED  
2022 SEP 12 PM 2:45  
JACKSON COUNTY  
4TH CIRCUIT COURT

**NOTICE TO PARTIES/ATTORNEYS**

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☒ by telephone.

9/12/2022  
Date

  
Court clerk/Register

(b)



Approved, SCAO

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 4TH JUDICIAL CIRCUIT Jackson County COUNTY PROBATE	<b>REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS</b>	<b>CASE NO.</b> 20003171 FH <b>6C</b>
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Court address

312 S Jackson Street, Jackson, MI 49201

Court telephone no.

517-768-8541

Plaintiff(s)/Petitioner(s)

☒ People of the State of Michigan

☐

Attorney name, bar no., address, and telephone no. or plaintiff /petitioner  
address and telephone no. if not represented by an attorney

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Defendant(s)/Respondent(s)

PAUL EDWARD BELLAR

Attorney name, bar no., address, and telephone no. or defendant/  
respondent address and telephone no. if not represented by an attorney

Andrew P. Kirkpatrick P66842

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Jackson, MI 49203 ap\_kirkpatrick@yahoo.com

☐ Civil ☒ Criminal ☐ Probate In the estate/matter of \_\_\_\_\_

**REQUEST**

I request permission to ☒ record ☒ broadcast courtroom proceedings in this case using ☒ video ☒ audio

☒ photographic media, scheduled at 9:00 a m. on Oct. 3, 2022 - Oct. 31, 2022 / end of trial  
Time Date

September 7, 2022

Date

Signature

Eric L. VanDussen www.muckrack.com/eric-vandussen

Name (type or print)

VanDussen Productions 231-651-9189

Firm name

Telephone no.

**NOTICE TO PARTIES/ATTORNEYS**

A request to allow film or electronic media coverage of the above proceeding has been filed. Supreme Court Administrative Order 1989-1 requires that the request be honored unless the trial judge exercises discretion to terminate, suspend, limit, or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above

☐ personally. ☐ by ordinary mail. ☒ by telephone.

Date

Court clerk/Register



# EXHIBIT 2



**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON**

---

**STATE OF MICHIGAN,**

Plaintiff,

**V**

**MUSICO, MORRISON, & BELLAR,**

Defendant.

File No. 20-3173-FH, 20-  
3172-FH, & 20-3171-FH

Hon. Thomas D. Wilson

**FILED**

SEP 20 2022

JACKSON COUNTY CLERK  
4TH CIRCUIT COURT

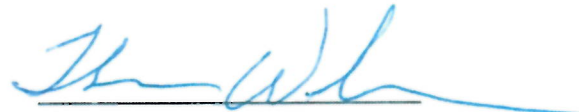
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**ORDER DENYING ERIC VANDUSSEN'S MEDIA REQUEST**

**WHEREAS**, the Court received a Request and Notice for Film and Electronic Media Coverage of Court Proceedings, for each file herein.

**IT IS SO ORDERED**, the request to film or record the Court proceedings is denied, as the proceedings will be broadcasted on YouTube.

Dated: September 20, 2022



Hon. Thomas D. Wilson (P42371)

Circuit Court Judge

# EXHIBIT 3

1992 WL 12537723

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

DETROIT FREE PRESS

v.

RECORDER'S COURT JUDGE.

Docket No. 148956.

|

Feb. 11, 1992.

ORDER

CONNOR, J.

\*1 The Court orders that the motion for immediate consideration is GRANTED.

The Court further orders that the motion for superintending control is GRANTED.

This matter is remanded to the trial court to consider the request by petitioner Detroit Free Press, Inc, to permit still photography in the case now pending before the court.

Generally, film coverage shall be allowed in all court proceedings. Administrative Order No.1989-1, section 2(a).

A. judge may exclude film media coverage upon a finding, made and articulated on the record, that the fair administration of justice requires such action. AO 1989-1, section 2(b).

The trial court has failed to articulate any valid reason for exclusion on the record, or in the pleadings filed in this Court. Prior to rendering a decision the trial court should consider sections 5(b) and 5(b) of the Administrative Order 1989-1.

We do not retain jurisdiction.

#### All Citations

Not Reported in N.W.2d, 1992 WL 12537723

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# EXHIBIT 4

1996 WL 33364376

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

DETROIT FREE PRESS, Plaintiff-Appellee,  
v.  
THIRTY SIXTH DISTRICT JUDGE, Defendant-Appellant.

Docket No. 170071.

|

LC No. 92-222840-AS.

|

May 14, 1996.

Before: MACKENZIE, P.J., and WHITE and M.W. LABEAU,\* JJ.

[UNPUBLISHED]

PER CURIAM.

\*1 Defendant appeals the circuit court's supplemental order of superintending control, entered following the circuit court's determination that defendant had violated an earlier order granting writ of superintending control, pertaining to defendant's handling of requests for media coverage of proceedings in his courtroom. We conclude that although the circuit court did not err in concluding it had authority to exercise superintending control and did not abuse its discretion in determining defendant had violated the initial writ, the supplemental order is overly broad. We thus affirm in part and vacate in part.

Plaintiff brought an action seeking a writ of superintending control in August 1992,<sup>1</sup> alleging that defendant denied Free Press photographers access to court proceedings on five occasions over a six-month period, and had a standing policy never to allow cameras in his courtroom, which he had stated on the record. Plaintiff alleged defendant's blanket exclusion of cameras and failure to make findings and articulate them on the record violated Supreme Court Administrative Order No.1989-1 (AO 1989-1), which states:<sup>2</sup>

#### Film or Electronic Media Coverage of Court Proceedings

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:

#### 2. Limitations.

(a) Film or electronic media coverage shall be allowed upon request in all court proceedings. Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.



(b) A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents, and relocated witnesses.

(c) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(d) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

3. Judicial Authority. Nothing in these guidelines shall be construed as altering the authority of the Chief Justice, the Chief Judge of the Court of Appeals, trial court chief judges, or trial judges to control proceedings in their courtrooms, and to ensure decorum and prevent distractions and to ensure the fair administration of justice in the pending cause.

\*2 4. Equipment and Personnel. Unless the judge orders otherwise, the following rules apply:

(a) Not more than two videotape or television cameras, operated by not more than one person each, shall be permitted in any courtroom.

(b) Not more than two still photographers, utilizing not more than two still cameras each with not more than two lenses for each camera, and related necessary equipment, shall be permitted in any courtroom.

(c) Not more than one audio system for radio and/or television recording purposes shall be permitted in any courtroom ...

#### 6. Location of Equipment and Personnel.

(b) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the judge. Still camera photographers shall assume fixed positions within the designated areas and shall not move about in any way that would detract from the proceedings.

(b) Photographic or audio equipment may be placed in, moved about in, or removed from, the courtroom only during a recess. Camera film lenses may be changed in the courtroom only during a recess. [432 Mich. cxii-cxv.]

Following a hearing, the circuit court entered an order granting writ of superintending control on October 13, 1992, which stated in pertinent part that defendant:

... shall allow, upon proper request submitted not less than three business days in advance, pursuant to Supreme Court Administrative Order 1989-1, film or electronic media coverage of Court proceedings in his courtroom;

... may deny a three-day advance request only for reasons specifically related to the court proceeding for which coverage is requested, and in which the fair administration of justice requires such action. These reasons must be articulated on the record at the time the request is denied. It is not sufficient reason to deny coverage on the basis that the parties or witnesses involved must receive notification under the Administrative Order or give their consent;

IT IS FURTHER ORDERED that in all other respects, the Administrative Order of the Supreme Court controls request [sic] for electronic media coverage of proceedings before the Honorable David Martin Bradfield.

IT IS FURTHER ORDERED that the Court retains jurisdiction to enforce the terms of this Order.

This Court dismissed defendant's claim of appeal from this original writ of superintending control as untimely and denied his application for delayed appeal.

Following entry of the writ granting superintending control, plaintiff made additional requests to photograph proceedings in defendant's courtroom and, after requests were allegedly denied or limited, moved to show cause why defendant should not be held in contempt for violation of the order granting writ of superintending control. At a show cause hearing in October 1993, there was testimony that defendant continued to deny plaintiff's requests for media coverage or imposed conditions more restrictive than AO 1989-1. One of plaintiff's requests was filed three days in advance but was denied as untimely. Another request was denied because it did not identify a particular proceeding, but rather indicated coverage was sought of proceedings on a particular day. There was also testimony that, although defendant approved several requests, the approvals were subject to conditions defendant imposed which were set forth in a document entitled "Special Court Rules for the Press," and attached to the approvals. The document stated:

STATE OF MICHIGAN 36TH DISTRICT COURT HON. DAVID MARTIN BRADFIELD PRESIDING

SPECIAL COURT RULES FOR THE PRESS

\*3 Pursuant to Michigan Supreme Court Administrative Order 1989-1(4) the following rules apply for authorized photo, video and audio coverage in this court and supersede the subsections (a)(b) & (c) of that order:

- a. Not more than one camera whether videotape, television, or still photographic, shall be permitted in the courtroom. That camera shall be located centered in the last rearmost seat in the courtroom. No movement of the camera or its operator is allowed.
- b. No camera is allowed more than one lense-wide angle with no zoom lense. Close ups of any person in the court is [sic] prohibited. The faces of all court personnel must be obstructed or made unrecognizable.
- c. Only one audio system shall be permitted in the courtroom and is to be component with the camera or a wireless pick up at the location of the operator. No audio equipment will be allowed to be installed beyond the last rearmost seat in the courtroom.

David Martin Bradfield

Judge, 36th District Court

The circuit court determined defendant violated the initial order and issued a Supplemental Order of Superintending Control on October 22, 1993, which stated:

... that Judge Bradfield committed three separate violations of this Court's October 13, 1992 Order Granting Writ of Superintending Control, the Court being of the opinion that a Supplemental Order should be issued further restricting Judge Bradfield's power to make decisions regarding media access to his courtroom in light of his violations of the Superintending Control Order ...

[1] IT IS ORDERED that Judge Bradfield must grant all requests for film or electronic media coverage of court proceedings, whether or not the request is made three business days before the proceeding;

[2] IT IS FURTHER ORDERED that the request for film or electronic coverage of court proceedings need not specify a particular case;

[3] ... that the only proceedings for which Judge Bradfield has discretion to exclude film or electronic media coverage are those specifically enumerated in the last sentence of [paragraphs] 2(b), and in 2(c), of Supreme Court Administrative Order 1989-1;



[4] ... that Judge Bradfield can give reasonable directions to media regarding where any film or electronic cameras can be located in his courtroom when absolutely necessary to prevent disruption in the Court in a particular proceeding;

[5] ... that Judge Bradfield's authority to limit film or electronic media coverage is restricted to those situations set forth in this Supplemental Order, and shall be construed narrowly;

[6] ... that Judge Bradfield's "Special Court Rules for the Press," dated January 1, 1993 are VACATED, and Judge Bradfield shall not promulgate any such rules;

[7] ... that, if Judge Bradfield believes that news organizations are abusing their rights under this Order, or if he feels there is an ambiguity in this Supplemental Order, it shall be incumbent upon Judge Bradfield to file a motion in this Court seeking clarification or amendment of this Supplemental Order or of the October 13, 1992 Order;

\*4 [8] ... that Judge Bradfield's Motion for a Stay of this Supplemental Order is Denied.

## I

Defendant's initial argument, that the circuit court lacked authority to issue a writ of superintending control in the first instance, is not properly before us. Defendant concedes he was unsuccessful in his appeal from the original order. In any case, we believe the circuit court had both jurisdiction, [MCR 3.302\(D\)](#), and authority to issue the original order. [Lockhart v Thirty-Sixth District Judge](#), 204 Mich.App 684, 688; 516 NW2d 76 (1994).

Generally, for superintending control to lie, a plaintiff must establish the absence of an adequate legal remedy and that the defendant failed to perform a clear legal duty. *Id.* As defendant concedes, the first prong is met. AO 1989-1(2)(d) expressly states that "a trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave." Defendant argued below the second prong was not met, that he did not fail to perform a clear legal duty, i.e., he did not violate AO 1989-1, but rather applied his interpretation of it, with which the circuit court differed.<sup>3</sup>

By its terms, all Michigan courts are subject to and bound by AO 1989-1. *See, e.g., Frederick v. Presque Isle Judge*, 439 Mich. 1, 9; 476 NW2d 142 (1991). Administrative orders are binding until changed or modified by the Supreme Court. [Detroit & Northern v. Woodworth](#), 54 Mich.App 517, 520; 221 NW2d 190 (1974). The circuit court properly determined defendant's general and non-particularized policy of excluding photographic coverage violated his clear legal duty under AO 1989-1.<sup>4</sup>

The circuit court's initial order mandated compliance with AO 1989-1's requirement that denials of or limitations on timely requests for media coverage be articulated on the record, and precluded blanket exclusions of media coverage, in keeping with the AO's spirit that media coverage be allowed.

## II

However, the supplemental order of superintending control, which defendant argues is overly broad, exceeded the dictates of AO 1989-1, and to the extent it did, we agree with defendant that the circuit court exceeded its superintending control power.

The superintending court does not substitute its judgment or discretion for that of the magistrate; neither does it act directly in the premises. Rather it examines the record made before the magistrate to determine whether there was such an abuse of discretion as would amount to a failure to perform a clear legal duty; and in such case, the superintending court orders the magistrate to perform his duty. [*Cahill v. Fifteenth Dist Judge*, 393 Mich. 137, 143; 224 NW2d 24 (1974), quoting *People v. Flint Municipal Judge*, 383 Mich. 429; 175 NW2d 750 (1970).]



Defendant was bound to obey AO 1989-1, and to obey the order of superintending control, as it was entered by a court with proper jurisdiction. *In the Matter of Hague*, 412 Mich. 532, 544-545; 315 NW2d 524 (1982). We conclude that the circuit court did not abuse its discretion in determining defendant's special rules for the press, which by their own terms "superseded" AO-1989-1, violated the original writ of superintending control, as did his denials of certain press requests. Although the circuit court's issuance of a supplemental order under those circumstances was not an abuse of discretion, the supplemental order, in the paragraphs we have numbered [1], [3], and [5], goes beyond ordering defendant to perform his legal duties. We thus vacate those provisions. We note that the initial order, which remains undisturbed, will fill any void created by our vacating the three paragraphs.

\*5 Affirmed in part, and vacated in part.

## All Citations

Not Reported in N.W.2d, 1996 WL 33364376, 24 Media L. Rep. 1886

## Footnotes

\* Circuit judge, sitting on the Court of Appeals by assignment.

1 *In Re: Detroit Free Press, Inc., and Post-Newsweek Stations, Michigan, Inc.* Post-Newsweek Stations (WDIV) is not a party to this appeal. Plaintiff's August 1992 complaint stated that plaintiff and WDIV had previously unsuccessfully sought superintending control, civil action no. 92-210036-AS, and that the circuit court had ruled at a hearing in that matter that if defendant had a blanket rule against camera coverage such a rule would violate AO 1989-1, and that the circuit court would take action.

2 AO 1989-1 and its predecessors were adopted as an exception to the Michigan Code of Judicial Conduct's Canon 3A(7), which prohibits broadcasting, televising, recording or taking of photographs in Michigan courtrooms "except as authorized by the Supreme Court." See 429 Mich. xcix, at ciii-civ.

The predecessor to AO 1989-1, AO 1988-1, was adopted "to permit film or electronic media coverage in all Michigan courts except the juvenile division of the probate court ...", 429 Mich. xcix, following a one-year experimental program. See AO 1987-4, 428 Mich. cxl. AO 1989-1 pertains to all Michigan courts and took effect on March 1, 1989. 432 Mich. cxii.

3 Defendant argued the circuit court's superintending control power was limited to ordering defendant to articulate on the record his reasons for denying or limiting media access.

4 Following argument at the September 1992 hearing, the circuit court noted:

... my mandamus would merely say, any request that meets the procedural requirement of the Administrative Order may not be denied, absent a specific finding on the record that it will be disruptive in a particular case.

And, unless you've got something else to say, I'm going to grant the writ.

[*Defense counsel*]: The only thing I would say, your Honor, is I think that goes further and that intrudes upon the discretion of the lower court tribunal.

*THE COURT*: Well, I know. But, that's the major issue here. Whether the discretion goes to a judge's blanket conclusion that cameras are always disruptive, or whether the Administrative Order already finds that cameras are not disruptive on a blanket basis, but can be on an individual basis.

And, my view of the law is the latter.

[*Defense counsel*]: It must be an individual finding?

*THE COURT:* Right. Okay. I will grant it. And based on that, please prepare a writ of mandamus and submit it.

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# EXHIBIT 5

796 N.W.2d 255 (Mem)  
Supreme Court of Michigan.

Eric L. VANDUSSEN, Plaintiff,  
v.  
COURT OF APPEALS, Defendant.

Docket No. 142950.

|  
April 27, 2011.

### Order

On order of the Court, the motion for immediate consideration is GRANTED. The complaint for superintending control is considered and, in lieu of granting relief at this time, we REMAND this case to the Court of Appeals to articulate the reason why “the fair administration of justice” warrants the denial of the plaintiff’s request \*256 to film oral argument on May 10, 2011. Administrative Order 1989–1(2)(b).

We retain jurisdiction. On remand, the Court of Appeals shall issue an order on or before May 2, 2011, and shall immediately file a copy of that order with the Clerk of the Supreme Court.

### All Citations

796 N.W.2d 255 (Mem)

# EXHIBIT 6



# Court of Appeals, State of Michigan

## ORDER

Eric L. VanDussen v Court of Appeals

SC No. 142950

Joel P. Hoekstra  
Presiding Judge

Christopher M. Murray

Michael J. Kelly  
Judges

On remand, we are directed to "articulate the reason why 'the fair administration of justice' warrants the denial of the plaintiff's request to film oral argument on May 10, 2011," in the case of *People v Anderson*, Court of Appeals Docket No. 300641. *VanDussen v Court of Appeals*, \_\_ Mich \_\_ (Docket No. 142950, issued April 27, 2011). We begin by noting that the remand order assumes that we denied the request pursuant to Administrative Order 1989-1(2)(b). Up to this point, however, we have not issued a written order in response to plaintiff's request. Rather, as has been the practice of the Court of Appeals, because no appeals either "by right or by leave" are permitted pursuant to Administrative Order 1989-1(2)(d), plaintiff was notified verbally by the Court's District Clerk that his application was denied. In any event, the application in this case was originally denied because we concluded that, based upon the minimal material submitted, plaintiff was neither the "media" nor a "media agency" as defined by Administrative Order 1989-1(1)(b).

However, since the issuance of the remand order we requested plaintiff to submit information relative to our concern, and he has submitted fairly voluminous material indicating that he is a free-lance journalist whose work has appeared in several general news publications and on some mainstream electronic media outlets. Based on this detailed information, we conclude that plaintiff meets the definition of "media" as he falls within the phrase "any person...engaging in news gathering," and so his request to record oral argument is GRANTED in accordance with the rules provided in Administrative Order 1989-1.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY - 2 2011

Date

  
Chief Clerk